

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FILED
July 22, 2024
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY: _____ NM
DEPUTY

EGLO GARZA AND ANGELICA
GARZA,

Plaintiffs,

v.

EMSHVAC, LLC D/B/A EMS HOME
SERVICES,

Defendant.

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Case No. 5:24-cv-00353-OLG

SCHEDULING ORDER

Pursuant to Rule 16, Federal Rules of Civil Procedure, the Court issues the following Scheduling Order:

1. A report on alternative dispute resolution in compliance with Local Rule CV-88(a) shall be filed by September 17, 2024. REGARDLESS OF WHETHER THE PARTIES CONCLUDE THAT ADR IS APPROPRIATE OR NOT, THE PARTIES SHALL INCLUDE THE NAME, ADDRESS AND TELEPHONE NUMBER OF A COURT-APPROVED MEDIATOR OR A MEDIATOR AGREED UPON BY BOTH PARTIES IN THEIR ADR REPORT. A list of court-approved neutrals and alternative dispute resolution summary form may be obtained at <https://www.txwd.uscourts.gov/programs-services/alternative-dispute-resolution/>. If you do not have access to the internet, you may call the United States District Clerk's office at (210) 472-6550 to obtain a copy.
2. The parties asserting claims for relief shall submit a written offer of settlement to opposing parties by September 17, 2024 and each opposing party shall respond, in writing, by October 1, 2024.
3. The parties shall file all motions to amend or supplement pleadings or to join additional parties by October 2, 2024.
4. All parties asserting claims for relief shall FILE their designation of testifying experts and SERVE on all parties, but not file, the materials required by Fed. R. Civ. P. 26(a)(2)(B) by October 17, 2024. Parties resisting claims for relief shall FILE their designation of testifying experts and SERVE on all parties,

but not file, the materials required by Fed. R. Civ. P. 26(a)(2)(B) by November 15, 2024. All designations of rebuttal experts shall be FILED, and the materials required by Fed. R. Civ. P. 26(a)(2)(B) for such rebuttal experts, to the extent not already served, shall be SERVED, within 14 days of receipt of the report of the opposing expert.

5. An objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, within fourteen (14) days of receipt of the written report of the expert's proposed testimony, or within fourteen (14) days of the expert's deposition, if a deposition is taken, whichever is later.
6. The parties shall complete all discovery on or before January 15, 2025. Counsel may by agreement continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.
7. All dispositive motions shall be filed no later than February 4, 2025. The timing and page limitations for briefing on any motion shall be governed by the relevant provisions in Local Rule CV-7.
8. The parties shall mediate this case on or before February 24, 2025, unless the parties seek an order from the Court excusing them from mediation.
9. This case is set for pretrial conference on Wednesday, July 2, 2025 at 10:30 a.m. The parties should consult Local Rule CV-16 regarding matters to be filed in advance of a pretrial conference and/or trial.
10. This case is set for bench trial on Monday, July 7, 2025 at 9:30 a.m.

SIGNED AND ENTERED this 22nd day of July, 2024.



ORLANDO L. GARCIA
UNITED STATES DISTRICT JUDGE

Respectfully submitted by:

/s/ Douglas B. Welmaker *with permission*

Douglas B. Welmaker
Texas State Bar No. 00788641
doug@welmakerlaw.com
WELMAKER LAW, PLLC
409 N. Fredonia, Suite 118
Longview, Texas 75601
Tel: (512) 499-2048

ATTORNEY FOR PLAINTIFFS

/s/ Nallely I. Rodriguez

ANTHONY G. STERGIO
Federal Bar No. 429040
State Bar No. 19169450
astergio@andrewsmyers.com
ANDREWS MYERS, P.C.
1885 Saint James Place, 15th Floor
Houston, Texas 77056-4110
Telephone: (713) 850-4200
Facsimile: (713) 850-4211

**ATTORNEY-IN-CHARGE FOR
DEFENDANT EMSHVAC, LLC d/b/a EMS HOME SERVICES**

OF COUNSEL:

NALLELY I. RODRIGUEZ
Federal Bar No. 3544811
Texas Bar No. 24111421
nrodriguez@andrewsmyers.com
ANDREWS MYERS, P.C.
1885 Saint James Place, 15th Floor
Houston, Texas 77056
(713) 850-4200 - Telephone
(713) 850-4211 – Facsimile

ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on July 12, 2024, a true and correct copy of this document was served via the Court's electronic case filing system (CM/ECF) to all parties registered to receive such notice in the above captioned case.

/s/Nallely I. Rodriguez

NALLELY I. RODRIGUEZ